

Gallatin Outstanding Resource Water (ORW): Background & Process

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Overview

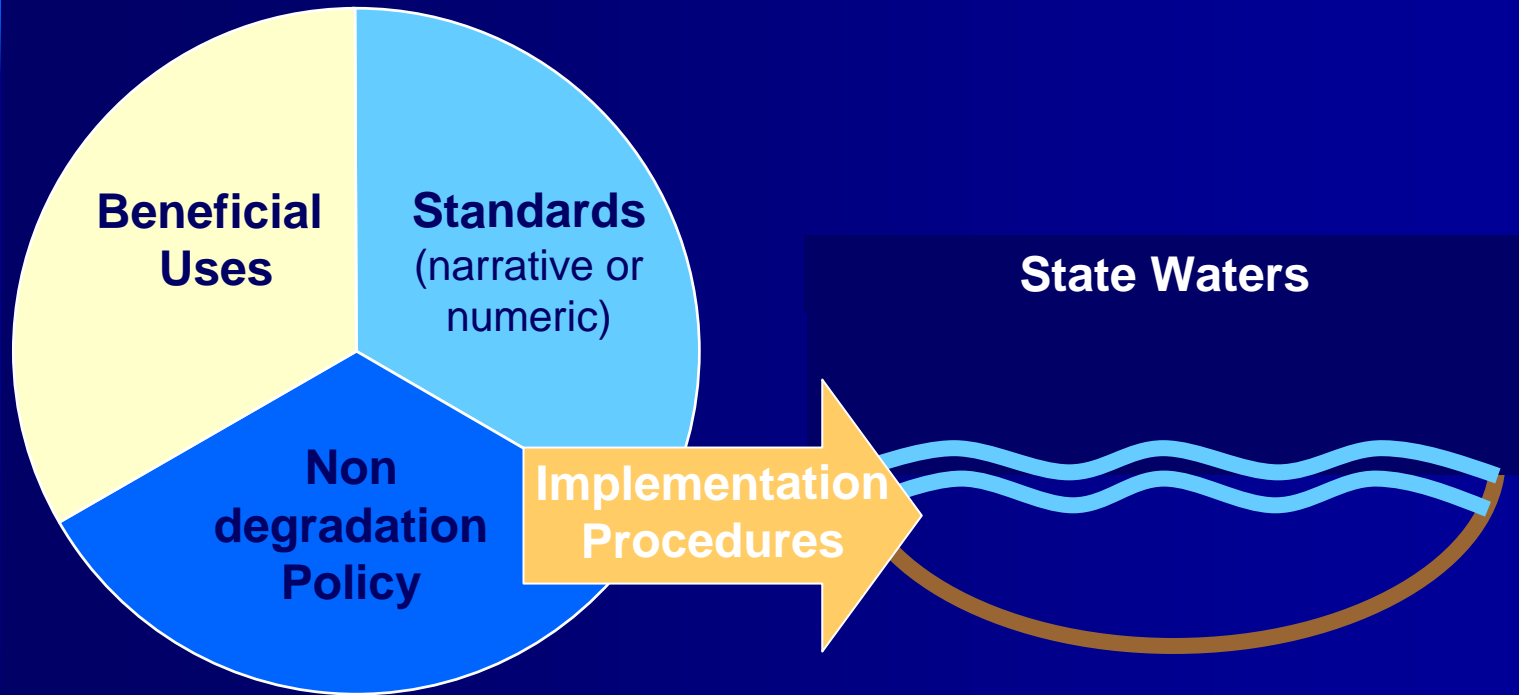
- Meaning of ORW designation
- Process
 - Where we are
- Eric Regensburger on ORW implementation
 - Other DEQ staff to answer questions



History

- BER Petitioned Dec 2001
- Accepted Mar 2002
- Triggered need for EIS
- Funding recently acquired

Water Quality Standards

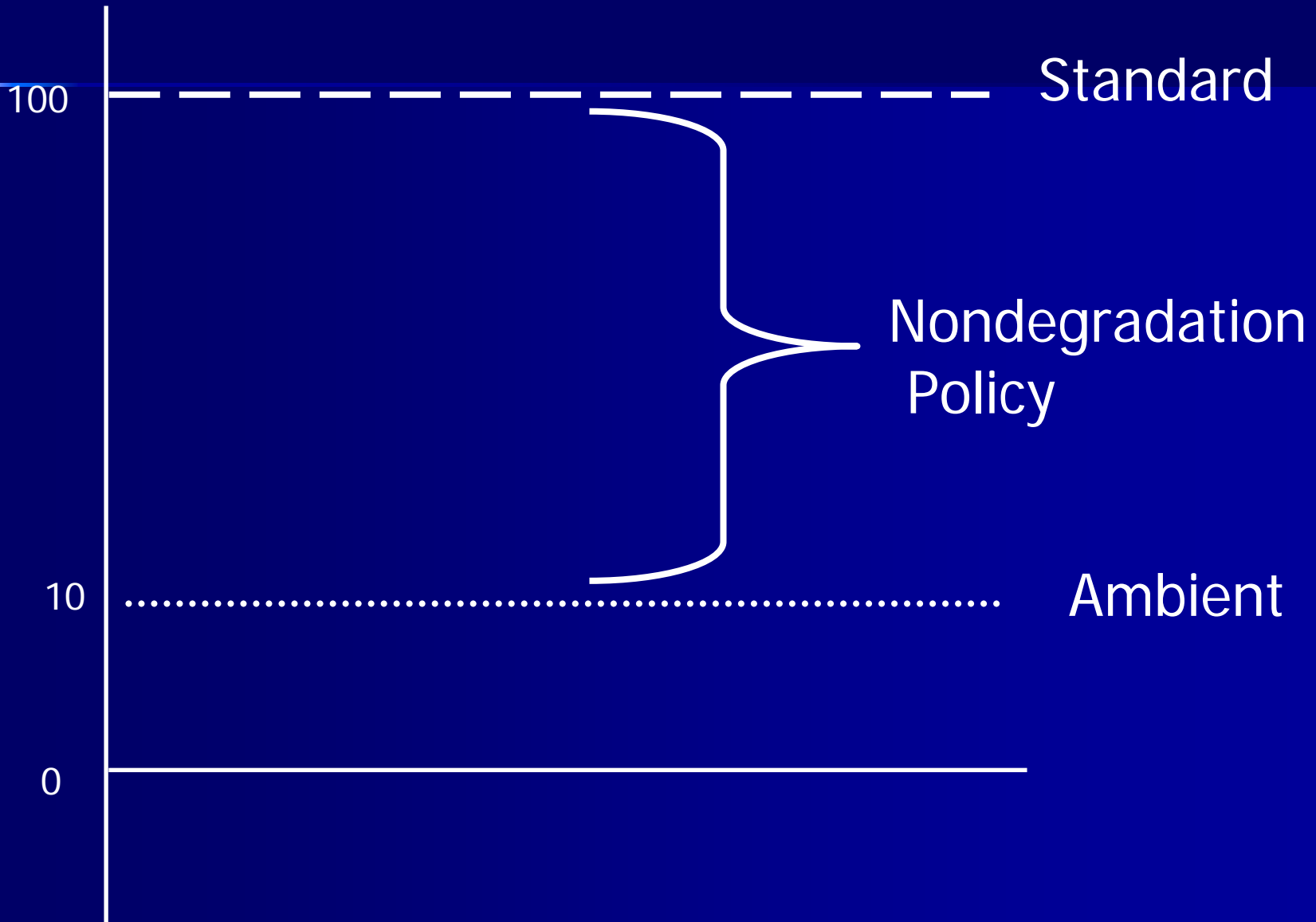


Nondegradation

(Purpose is to protect existing water quality)

1. "Outstanding Resource Waters (ORW)"
 - National Parks & Wilderness
 - Waters designated by BER
2. "High Quality Waters"
 - all non-ORW waters except:
3. Those not capable of supporting designated uses

Nondegradation Concept



ORW DESIGNATION PROCESS:

1. Petition BER
2. Initial Petition Review
 - Accept or reject based on sufficient credible information test
3. Detailed review of impacts (EIS)
4. Rulemaking
 - May deny based on adverse impact or other factors
5. Legislative approval required

Initial BER Review

[75-5-316(3) & 75-5-316(4) MCA (2001)]

- Sufficient Credible Information to Support Determination of:
 - Is an outstanding resource
 - ORW classification is necessary
 - There are not other effective processes to achieve the necessary protection

ORW Criteria:

75-5-316(4) MCA

- a. Designated as wild and scenic
- b. Presence of endangered or threatened species
- c. Has an outstanding recreational fishery
- d. Only water source for municipality or industry
- e. Only source of water for domestic supply
- f. Other outstanding environmental or economic values

ORW DESIGNATION PROCESS:

1. Petition to BER
2. Initial Petition Review
3. **Detailed review of impacts (EIS)**
4. **Rulemaking**
5. Legislative approval required